

## Message Text

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ORIGIN EB-07

INFO OCT-01 EA-09 ISO-00 FMC-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 CG-00 OFA-01 DLOS-04 L-03

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DRAFTED BY EB/TT/MA:SVSMITH:BST  
APPROVED BY EB/TT/MA:JPSTEINMETZ  
FMC:RSHREVES  
EA/ANP:HNELSON

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P 221844Z DEC 75  
FM SECSTATE WASHDC  
TO AMEMBASSY CANBERRA PRIORITY  
AMCONSUL SYDNEY PRIORITY

UNCLAS STATE 300430

E.O. 11652: N/A

TAGS:EWWT, AS, US

SUBJECT: FMC PROCEEDINGS REGARDING AUSTRALIAN MEAT TRADE

REF: A) STATE 297320; B) SYDNEY 2659; C) CANBERRA 8477

1. REF A DISCUSSED POSSIBILITY THAT T;O LINES (REL AND MARITIME FRUIT) MIGHT BRING ACTION AGAINST OTHER FIVE LINES IN U.S. COURTS. SO FAR, THE TWO LINES HAVE NOT TAKEN THEIR CASE TO U.S. COURTS, BUT WE UNDERSTAND THAT ONE OR BOTH LINES HAVE TAKEN THEIR CASE TO THE INDUSTRIAL COURT IN SYDNEY UNDER AUSTRALIAN ANTI-TRUST LAWS. DEPARTMENT AND FMC

WOULD APPRECIATE FROM CANBERRA AND SYDNEY ANY ASSESSMENT POSSIBLE ON THE LIKELIHOOD THAT AUSTRALIAN COURTS MIGHT FIND IN FAVOR OF THE COMPLAINANT LINE OR LINES AND WHAT POSSIBLE OUTCOME  
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MIGHT BE IF THE AUSTRALIAN COURTS WERE TO SO FIND.

2. PRESS GUIDANCE REQUESTED IN REFS B AND C FOLLOWS:

Q: WHAT ARE THE CONSIDERATIONS OF U.S. INTEREST  
- IN THIS CASE?

A: JUST AS THE EXPORT OF MEAT FROM AUSTRALIA TO THE U.S. IS OF LEGITIMATE INTEREST TO AUSTRALIA, THE IMPORTATION OF THIS MEAT IS OF LEGITIMATE INTEREST TO THE U.S. THUS, THE COMPETITIVE CONDITIONS UNDER WHICH THIS MEAT IS CARRIED TO THE U.S. IS OF LEGITIMATE INTEREST TO THE U.S. UNDER U.S. LAW, THE FEDERAL MARITIME COMMISSION (FMC) IS EMPOWERED TO REGULATE THE CARRIAGE OF U.S. TRADE BY OCEAN COMMON CARRIERS. IN THIS CASE, IT HAS BEEN ALLEGED THAT CERTAIN CARRIERS IN THE TRADE WERE PROHIBITED BY THE AUSTRALIAN MEAT BOARD (AMB) FROM PARTICIPATING IN THAT TRADE. THE FMC IS PRESENTLY INVESTIGATING THIS ALLEGATION SINCE, IF TRUE, IT WOULD APPEAR TO BE IN VIOLATION OF U.S. LAWS REGULATING OCEAN COMMON CARRIERS.

Q: WHAT ACTION IS THE U.S. FMC TAKING IN THIS CASE?

A: THE FMC IS INVESTIGATING WHETHER THERE HAS BEEN A VIOLATION OF U.S. LAW INSOMUCH AS CERTAIN CARRIERS HAVE ALLEGED THAT THEY HAVE BEEN PROHIBITED FROM PARTICIPATING IN THE CARRIAGE OF MEAT TO THE U.S. UNDER U.S. LAW, SINCE A FORMAL COMPLAINT WAS FILED WITH THE FMC, THE FMC WAS REQUIRED TO HOLD FORMAL PROCEEDINGS TO INVESTIGATE THE ALLEGATION AND TO DETERMINE WHETHER U.S. LAW HAD BEEN VIOLATED.  
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